

EXHIBIT 44

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF TENNESSEE

3 NIKKI BOLLINGER GRAE, *

4 Individually and on Behalf *

5 of All Others Similarly *

6 Situated, *

7 Plaintiffs, *

8 * Civil Action

9 VS. * No. 3:16-cv-02267

10 *

11 CORRECTIONS CORPORATION OF *

12 AMERICA, ET AL., *

13 Defendants. *

14 *****

15 CONFIDENTIAL

16 ORAL AND VIDEOTAPED DEPOSITION OF

17 KEITH HALL

18 OCTOBER 24, 2019

19 *****

20 VIDEOTAPED DEPOSITION of KEITH HALL, produced as

21 a witness at the instance of the Plaintiffs, and

22 duly sworn, was taken in the above-styled and

23 numbered cause on the 24th day of October, 2019,

24 from 9:35 a.m. to 3:23 p.m., before Christy R.

25 Sievert, CSR, RPR, in and for the State of Texas,

reported by machine shorthand, at the offices of

Jones Day, 2727 North Harwood Street, Suite 500,

Dallas, Texas 75201, pursuant to the Federal Rules

of Civil Procedure and the provisions stated on the

record or attached hereto.

Job No. 10061565

A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. CHRIS WOOD

Robbins, Geller, Rudman & Dowd, LLP

414 Union Street, Suite 900

Nashville, Tennessee 37219

Phone: 615-244-2203

E-mail: cwood@rgrdlaw.com

MR. KENNETH J. BLACK

Robins, Geller, Rudman & Dowd, LLP

Post-Montgomery Center

One Montgomery Street, Suite 1800

San Francisco, California 94104

Phone: 415-288-4545

E-mail: kennyb@rgrdlaw.com

FOR THE DEFENDANTS:

MR. TREY MCGEE

Riley, Warnock & Jacobson, PLC

1906 West End Avenue

Nashville, Tennessee 37203

Phone: 615-320-3700

E-mail: tmcgee@rwjplc.com

MR. MORGAN E. WHITWORTH

Latham & Watkins, LLP

505 Montgomery Street, Suite 2000

San Francisco, California 94111

Phone: 415-391-0600

E-mail: morgan.whitworth@lw.com

ALSO PRESENT:

MIRANDA GLOVER, Videographer

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: Today is
3 October 24th, 2019. The time is 9:35 a.m. We are
4 located at Jones Day, 2727 North Harwood Street,
5 Dallas, Texas 75201.

6 This is the videotaped deposition of Keith
7 Hall. The videographer is Miranda Glover, and the
8 certified shorthand reporter is Christy Sievert,
9 both representing Aptus Court Reporting.

10 Will counsel please state their appearance
11 for the record.

12 MR. WOOD: Christopher Wood, Robbins,
13 Geller, Rudman & Dowd, on behalf of the plaintiffs.

14 MR. BLACK: Kenneth Black, Robbins,
15 Geller, Rudman & Dowd, on behalf of the plaintiffs.

16 MR. MCGEE: Trey McGee, Riley Warnock
17 & Jacobson, on behalf of the witness and defendants.

18 MR. WHITWORTH: Morgan Whitworth with
19 Latham & Watkins, on behalf of defendants and the
20 witness.

21 KEITH HALL
22 having been first duly sworn,
23 testified as follows:

24 EXAMINATION

25 BY MR. WOOD:

1 Q. Good morning, Mr. Hall.

2 A. Good morning.

3 Q. My name is Mr. Christopher Wood.

4 Can you state your name and address for

5 the record, please?

6 A. Keith, K-e-i-t-h, middle initial E., Hall,

7 [REDACTED].

8 Q. And have you ever had your deposition taken

9 before?

10 A. Yes.

11 Q. How many times, approximately, have you had

12 your deposition taken?

13 A. Just a couple of times, that I can

14 remember.

15 Q. Were any of them related to CoreCivic or

16 CCA?

17 A. No.

18 Q. What were they related to, in general?

19 A. It was when I was with the federal prison

20 system. In my capacity as assistant director over

21 human resources, I was deposed about a

22 portal-to-portal case that had been ongoing for a

23 number of years.

24 And then there was a discrimination case

25 that was brought about a warden selection that --

1 question.

2 A. Well, that's a yes-and-no type of answer in
3 a way, because you can burn people out, but you also
4 have people that want to work the overtime to make
5 the extra money so that they can buy extra things in
6 the community and do other things. So you'll have
7 some that it -- it may affect. Others would do --
8 would work every hour of the day if they could.

9 BY MR. WOOD:

10 Q. Did -- would CCA require folks to work
11 overtime -- I don't know anything, honestly, about
12 labor law, but would they require people to work
13 overtime even if they didn't want to? Like, if
14 someone's shift's over, and someone else hasn't
15 showed up, can you say, "No, you have to stay
16 because we need you in the facility"?

17 A. Well, there were systems set up that we
18 could require mandatory overtime. Usually we had --
19 and I can't remember if Adams had a sign-up sheet.
20 But generally, you would ask people if they wanted
21 to stay over. If you didn't have somebody, then you
22 might have to order them to stay. Because you had
23 to fill certain positions.

24 Q. Right. And so did -- did you find that in
25 the BOP facilities that you were responsible for,

1 that you'd have to order people to stay because not
2 enough folks would voluntarily sign up for the
3 overtime?

4 A. I believe there were facilities, yeah, that
5 we had to do that.

6 Q. And do you know whether or not that
7 impacted the -- you know, the -- the running of the
8 facility if folks were being forced to stay longer
9 than they liked?

10 MR. MCGEE: Object to the form of the
11 question.

12 A. Well, in a -- in a facility, you have a
13 number of audits that take place: From the CFM that
14 the Bureau does, the -- the internal audit that you
15 do, the accreditations from JCO, or Joint
16 Commission, to ACA. And they're always talking to
17 staff. All of those audits have interviews with
18 staff, interviews with inmates, that help the
19 administration understand if things need to be
20 looked at.

21 And staff would -- staff were pretty good
22 about, in every facility I've ever been in, not
23 being afraid to say, you know, "I'm too tired to
24 work today," or, "Something's happened." And
25 generally, people will try to figure out ways that

1 they don't stay or operationally can function at a
2 level that we feel is necessary for the place to
3 run.

4 So I think there's a lot of ways that
5 people check to see whether or not -- how bad of an
6 effect it has. But I think, as I said, some people
7 love it, some don't. Some people will stay forever,
8 they would volunteer for every overtime that you
9 could give them. Other people, if they had to stay
10 an hour, they don't like it. So. . .

11 BY MR. WOOD:

12 Q. Did you -- did you read some of the reports
13 you're talking about with talking to staff and -- I
14 guess we'll look at one. But did -- did you ever
15 read that staff were afraid of bringing up issues
16 because they felt like they might get retaliated
17 against if they were critical of operations?

18 A. There may have been some that I picked up.
19 I don't remember the specific ones. Part of the
20 ethics that Ms. Daugherty was involved in was to
21 give another way of looking at getting a staff
22 member an ability to -- to talk confidentially. I
23 mean, I think there were several things with CCA.

24 Not only that, but just they could call a
25 managing director if they felt like the warden

1 wasn't doing something. And I've had people call me
2 directly to say something's not being done, and you
3 have to figure out what -- what was going on at that
4 time. So I think there were a variety of ways that
5 people were able to check into how the facility, how
6 staff were being worked.

7 The other thing I guess I was trying to
8 think here, it talked about the pay issue. In -- in
9 the contract with the Bureau of Prisons, they
10 determined what your pay would be. So I'm -- I
11 guess I'm -- I mean, it may be good that the -- at
12 someplace else, they may pay \$26, but if the
13 contract says you pay \$14, you pay \$14. If you
14 don't, then you would have to -- if a -- if a
15 location -- the only change to that would be if the
16 staff voted to unionize and they wanted to negotiate
17 the standard of pay. But the unions make the
18 determination of what the pay is at that time, so --
19 in negotiating with the company. So you could come
20 out worse or you could come out -- you might come
21 out better, but you might come out worse, also.
22 so. . .

23 Q. Well, that -- so I don't know that that's
24 correct. The contracts, there's a -- there's a --
25 there's a scale that the federal government gives

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF TENNESSEE

3 NIKKI BOLLINGER GRAE, *
4 Individually and on Behalf *
5 of All Others Similarly *
6 Situated, *
7 Plaintiffs, *
8 VS. * Civil Action
9 * No. 3:16-cv-02267
10 *
11 CORRECTIONS CORPORATION OF *
12 AMERICA, ET AL., *
13 Defendants. *

14 REPORTER'S CERTIFICATION
15 DEPOSITION OF KEITH HALL
16 OCTOBER 24, 2019

17 I, CHRISTY R. SIEVERT, CSR, RPR, in
18 and for the State of Texas, hereby certify to the
19 following:

20 That the witness, KEITH HALL, was duly
21 sworn by the officer and that the transcript of the
22 oral deposition is a true record of the testimony
23 given by the witness;

24 I further certify that the signature of
25 the deponent was requested by the deponent or a
party and is to be returned within 30 days from date
of receipt of the transcript. If returned, the
attached Changes and Signature Page contains any
changes and the reasons therefor;

I further certify that I am neither
counsel for, related to, nor employed by any of the

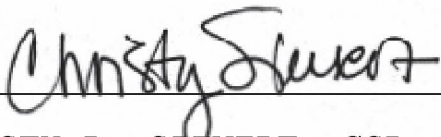
1 parties or attorneys in the action in which this
2 proceeding was taken, and further that I am not
3 financially or otherwise interested in the outcome
4 of the action.

5 Subscribed and sworn to on this the 11th
6 day of November, 2019.

7

8

9



10

CHRISTY R. SIEVERT, CSR, RPR
Texas CSR 8172

11

Expiration Date: 4-30-2021

12

13

14

15

16

17

18

19

20

21

22

23

24

25